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Attorneys for Plaintiff
Tracy A. Horstkotter

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TRACY A. HORSTKOTTER,)	Case No.: 2:15-cv-02202-JAD-VCF
Plaintiff,)	
vs.)	Stipulation and Order
)	Awarding Attorney Fees and
CAROLYN W. COLVIN, Acting)	Expenses
Commissioner of Social Security,)	
Defendant.)	ECF No. 22

TO THE HONORABLE JENNIFER A. DORSEY, DISTRICT JUDGE OF
THE UNITED STATES DISTRICT COURT:

IT IS HEREBY STIPULATED by and between the parties through their
undersigned counsel, subject to the approval of the Court, that Tracy A.

1 Horstkotter be awarded attorney fees in the amount of four thousand five hundred
2 dollars (\$4,500.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. §
3 2412(d). This amount represents compensation for all legal services rendered on
4 behalf of Plaintiff by counsel in connection with this civil action, in accordance
5 with 28 U.S.C. §§ 1920; 2412(d).

6 After the Court issues an order for EAJA fees to Tracy A. Horstkotter, the
7 government will consider the matter of Tracy A. Horstkotter's assignment of EAJA
8 feeS. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to
9 honor the assignment will depend on whether the fees are subject to any offset
10 allowed under the United States Department of the Treasury's Offset Program.
11 After the order for EAJA fees is entered, the government will determine whether
12 they are subject to any offset.

13 Fees shall be made payable to Tracy A. Horstkotter, but if the Department of
14 the Treasury determines that Tracy A. Horstkotter does not owe a federal debt,
15 then the government shall cause the payment of fees, expenses and costs to be
16 made directly to Marc V. Kalagian, pursuant to the assignment executed by Tracy
17 A. Horstkotter.¹ Any payments made shall be delivered to Rohlfing & Kalagian.

18 This stipulation constitutes a compromise settlement of Tracy A.
19 Horstkotter's request for EAJA attorney fees, and does not constitute an admission
20 of liability on the part of Defendant under the EAJA or otherwise. Payment of the
21 agreed amount shall constitute a complete release from, and bar to, any and all
22 claims that Tracy A. Horstkotter and/or Young Cho, Marc V. Kalagian including
23
24

25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

1 Rohlfig & Kalagian may have relating to EAJA attorney fees in connection with
2 this action.

3 This award is without prejudice to the rights of Young Cho, Marc V.
4 Kalagian and/or Rohlfig & Kalagian to seek Social Security Act attorney fees
5 under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

6 DATE: January 4, 2017

Respectfully submitted,

7 ROHLFING & KALAGIAN

8 */s/ Marc V. Kalagian*

9 BY: _____

Marc V. Kalagian

Attorney for plaintiff Tracy A. Horstkotter

11 DATE: January 4, 2017

DANIEL G. BOGDEN

United States Attorney

12 BLAINE T. WELSH

Chief, Civil Division

13 */s/ Chantal R. Jenkins*

14 _____
15 CHANTAL R. JENKINS

16 Special Assistant United States Attorney
Attorneys for Defendant Carolyn W. Colvin,
17 Acting Commissioner of Social Security
(Per e-mail authorization)

18 Of Counsel:
19 Young Cho
Attorney at Law

20 **ORDER**

21 **IT IS SO ORDERED.**

22 _____
23 Jennifer Dorsey

United States District Judge

24 January 10, 2017